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June 29, 2021

The Honorable Stephen M. Casey  
Chairman  
House Committee on Health & Human Services  
State House  
82 Smith St.  
Providence, RI 02903

RE: H 6396 – AN ACT RELATING TO HEALTH AND SAFETY -- TOBACCO PRODUCT  
SALES' RESTRICTIONS

Dear Chairman Casey:

I am writing in support of H 6396 with small amendments. H 6396 would prohibit the sale of certain flavored tobacco products and electronic nicotine-delivery systems (ENDS).

Related to the impact of health equity, research shows that flavors are significant contributors to high youth ENDS use rates. Based on the 2020 National Youth Tobacco Survey (NYTS), an estimated 84.7% of high school students and 73.9% of middle school students who use e-cigarettes use flavored e-cigarettes, with fruit, menthol or mint, and candy, desserts, or other sweets being the most commonly reported flavors among current exclusive e-cigarette users.<sup>1</sup> According to the Centers for Disease Control and Prevention (CDC), most youth e-cigarette users report using flavored products, and flavors are the primary reason youth report using e-cigarettes.

Tobacco retailers (including those licensed to sell ENDS products) are densely co-located near schools in high-poverty, traditionally diverse cities/towns such as Central Falls, Pawtucket, and Providence;<sup>2</sup> many of these retailers are considered corner stores/gas stations/convenience stores. Nearly 75% of youth frequent convenience stores once a week where tobacco products are typically sold.<sup>3</sup> Decreasing youth exposure and access to ENDS products would be captured by definitions of the proposed bill.

Health risks to young people from vaping include nicotine addiction and learning and memory issues.<sup>4</sup> Nicotine is extremely harmful to the developing brain. Other health issues include lung illnesses, heart problems, injuries resulting from battery explosions, and accidental childhood nicotine poisonings. High school students who vape are four times more likely to smoke lit cigarettes in the future.

Rhode Island maintains high youth-use rate, similar to the national average, with nearly 50% of high school aged youth ever trying an e-cigarette and more than 30% indicating they are current (past 30 day)

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<sup>1</sup> Wang T, Gentzke A, Neff L, et al. [Characteristics of e-Cigarette Use Behaviors Among US Youth, 2020](#). JAMA Netw Open. 2021;4(6): e2111336.

<sup>2</sup> <https://www.cdc.gov/dhdsp/maps/qisx/mapgallery/RI-tobacco-retailer.html>

<sup>3</sup> Henriksen L, Feighery EC, Wang Y, Fortmann SP. Association of retail tobacco marketing with adolescent smoking. American Journal of Public Health. 2004;94:2081–2083  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1448595/>

<sup>4</sup> Campaign for Tobacco-Free Kids. The Toll of Tobacco. Retrieved March 13, 2019, from <https://www.tobaccofreekids.org>

users.<sup>5</sup> In March 2020, Governor Raimondo signed 216-RICR-50-15-6 into permanent regulations with support from the Speaker of the House and the Senate President, banning the sale of flavored ENDS statewide to reduce epidemic<sup>6</sup> levels of youth ENDS use across the country. Policy initiatives such as those passed in Providence, that restrict the sale of flavored ENDS, coupled with enforcement of policies, are best practices for reducing youth tobacco use.

In addition to a ban on flavored ENDS products, this bill encompasses a ban on all flavored tobacco products, including menthol. Despite Rhode Island's prohibition of ENDS with characterizing flavors, menthol-flavored cigarettes, flavored little cigars/cigarillos, hookah and smokeless tobacco products are still available for purchase. Both menthol cigarettes and these other tobacco products have been heavily marketed to youth, African Americans, and other marginalized groups such as those who identify as LGBTQ+.

According to the American Lung Association, menthol in cigarettes plays a significant role for youth to become addicted to cigarettes. Menthol conceals the harsh taste of tobacco smoke and makes inhaling smoke easier. Menthol cigarettes, which are disproportionately used by African Americans who smoke, are also more difficult to quit.<sup>7</sup>

H6396 legislation would strengthen the scope of education and enforcement capabilities of 216-RICR-50-15-6 as well as expand the flavor ban beyond ENDS products, to include essentially all flavored tobacco products including menthol.

RIDOH's suggested amendments would be to make certain that language in H 6396 is aligned with language in Rhode Island's taxation (Chapters 44-20, 44-20.1, and 44-20.2) and youth access statutes (Sections 11-913.2 through 11-9-13.20) to ensure the preservation of existing enforcement authorities.

Sincerely,

Nicole Alexander-Scott, MD, MPH  
Director

CC: The Honorable Members of the House Committee on Health and Human Services  
The Honorable Teresa A. Tanzi  
Nicole McCarty, Esquire, Chief Legal Counsel to the Speaker of the House

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<sup>5</sup> Rhode Island Youth Risk Behavior Survey. 2019. Rhode Island Department of Health Center for Health Data and Analysis.

<sup>6</sup> Know the Risks: E-cigarettes & Young People | U.S. Surgeon General's Report. (n.d.). Retrieved March 13, 2019, from <https://e-cigarettes.surgeongeneral.gov/>

<sup>7</sup> American Lung Association. State of Tobacco Control 2021. Retrieved June 10, 2021 from <https://www.lung.org/research/sotc/key-findings>.